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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,846	03/30/2001	Pascal Bensoussan	M-9972 US	7000

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CAMPBELL STEPHENSON ASCOLESE, LLP  
4807 SPICEWOOD SPRINGS RD.  
BLDG. 4, SUITE 201  
AUSTIN, TX 78759

EXAMINER

JEANTY, ROMAIN

ART UNIT PAPER NUMBER

3623

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/823,846	<b>Applicant(s)</b> BENSOUSSAN ET AL.	
	<b>Examiner</b> Romain Jeanty	<b>Art Unit</b> 3623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Final Office Action is in response to the communication received on 11/14/2005.

Claims 1-22 are still pending in the application for further examination.

### **Response to Amendment**

2. Applicant's amendment to claim 1 has overcome the 35 U.S.C 101 rejection. The 35 U.S.C 101 rejection is withdrawn.

### **Response to Argument**

#### **Claim Rejections - 35 USC § 101**

3. Applicant's arguments filed on 11/14/2005 have been fully considered but they are not persuasive.

### **Claim Objections**

4. Claim 21 is objected to because of the following informalities: It appears that claim 21 recites the exact same limitations as claim 20. Appropriate correction is required.

#### **Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 9-14, 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al (U.S. Patent No. 6,006,192) in view of Masch (U.S. Patent No. 5,930,762).

As per claims 1, 3, 17-20, Cheng et al disclose a decision-making method for production planning in an uncertain demand environment comprising:

capturing assumption to create a scenario for one or more products for one or more time planning periods, specifying a component plan to be analyzed, the component plan identifying the quantities of each component that are positioned for each planning period (col. 3, lines 9-60).

Cheng et al disclose the concept of performance measurement for parameters and an identifying scenario (col. 2, lines 29-41), but Cheng et al does not expressly disclose submitting a request for analysis to an analytic engine for calculation of risk and performance indicators. Masch in the same field of endeavor discloses a risk management system for calculating risk related using scenarios (col. 14, line 58 through col. 15 line 12; col. 16, lines 36-62). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the disclosures of Cheng et al to include the teachings of Masch in order to aid decision-makers in selecting an implementable strategy.

*Applicant has amended claims 9 and 16 to recite ... where the components include uninventoried available components. Chen discloses the components include inventory available component (col. 4, line 4 through col. 5 line 20). However, Chen does not explicitly disclose where the components include uninventoried available components. However, incorporating this feature into Chen would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention in order to provide inventory minimization and revenue maximization.*

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As per claims 6 and 13, Cheng et al further discloses storing the component parameters in a database (col. 2, lines 42-46).

As per claims 9 and 14, claims 9 and 14 are data storage medium having machine-readable code stored thereon, the machine code comprising instructions executable by an array of logic elements, the instruction for performing the steps of method claim 1; therefore is rejected under the same rationale relied upon of claim 1.

As per claims 12, claim 12 is data storage medium for performing the steps of method claim 3; therefore is rejected under the same rationale relied upon of claim 3.

As per claim 16, claim 16 is a system for performing risk under uncertainty of method claim 1, with the only difference that claim 16 teaches a user interface. Cheng et al teaches such a user interface. Note col. 3, line 13 of Cheng et al

7. Claims 2, 4-5, 7-8, 10-11, 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al (U.S. Patent No. 6,006,192) in view of Masch (U.S. Patent No. 5,930,762) and further in view of Li (U.S. Patent No. 6,453,303).

As per claims 2, 5 and 8, the combination of Chen et al and Masch does not explicitly disclose calculating one or more risk and performance indicators, returning the risk and performance indicators, storing the risk and performance indicators in a database or other persistent storage system. Li in the same field of endeavor discloses the concept of calculating risk of financial asset, performance of the asset and storing the risk and performance information (col. 7, lines 42-58). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Chen et al and Masch to incorporate the teachings of Li in order provide timely analysis and advice for financial assets.

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As per claims 4, 7, 15, and 22, the combination of Chen et al and Masch fails to disclose retrieving the scenario and component plan from a database, constructing a message including the analysis parameters, the scenario and the component plan, sending the message to an analytic engine. Dietrich in the same field of endeavor teaches the concept of retrieving information and sending messages (col. 1 line 59 through col. 2, line 39). It would have been obvious to a person of ordinary skill in the art to modify the teachings of Chen et al and Masch to include the teachings of Dietrich. A person of ordinary skill in the art would have been motivated to do so in order to maintain up-to-date plans as changes occur in the business environment.

As per claims 10 and 11, claim 10 and 11 are data storage medium for performing the steps of method claim 2; therefore are rejected under the same rationale relied upon of claim 2.

### **Remarks**

9. Applicant asserted that Chen does not teach the claimed invention. Applicant supported his assertion by arguing that Chen does not teach the limitations of submitting a request for analysis to an analytic engine for calculation of risk and performance indicators. Applicants further argued that there is no motivation to combine Chen with Masch. In response, the examiner respectfully disagrees with applicants' arguments because Chen teaches a scenario-based analysis model which computes a performance (col. 6, lines 61 through col. 7 line 4). Is it understood that a request was submitted to be analyzed and an analytic engine could be used for performing the analysis in order to measure the risk and the performance. Note col. , lines of Cheng.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the component plan includes information specified prior to the ensuing analysis, rather than being formulated during the course of analysis") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect to applicant's arguments that there is no motivation to combine Cheng and Masch.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, combining Cheng and Masch would help a company or business make decisions faster.

Applicant further argues that the component plan identifies quantities of each component for each planning period is not present in Cheng. In response, the examiner respectfully disagrees with applicant's argument because Chen does teach a set of components for a period of time. Note col. 3, lines 21-32.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "positioning is an alternative ordering components.....") are not recited in the rejected claim(s). Although

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the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicants further argue that Cheng does not discuss, teach, or suggest identifying the quantities of each component that are positioned for each planning period. In response, the examiner respectfully disagrees with applicant's argument because Cheng does teach actual demands can be different in different periods, and demand quantities that will be provided as a separate input by users. Note col. 6, lines 35-45, lines 61-66.

### **Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Huang (U.S. Patent No. 5,953,707) discloses a system to maintain overall data consistency and provide performance feedback to users reflecting the impact of decisions on global supply chain performance.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

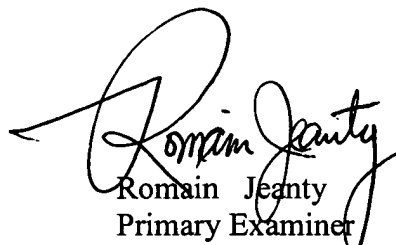
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJ

January 23, 2006

  
Romain Jeanty  
Primary Examiner  
Art Unit 3623